

111TH CONGRESS
1ST SESSION

S. 674

To amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2009

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Supervisor
5 Training Act of 2009”.

1 **SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPER-**
 2 **VISORS.**

3 (a) IN GENERAL.—Section 4121 of title 5, United
 4 States Code, is amended—

5 (1) by inserting before “In consultation with”
 6 the following:

7 “(a) In this section, the term ‘supervisor’ means—

8 “(1) a supervisor as defined under section
 9 7103(a)(10);

10 “(2) a management official as defined under
 11 section 7103(a)(11); and

12 “(3) any other employee as the Director of the
 13 Office of Personnel Management may by regulation
 14 prescribe.”;

15 (2) by striking “In consultation with” and in-
 16 serting “(b) Under operating competencies promul-
 17 gated by, and in consultation with,”; and

18 (3) by striking paragraph (2) (of the matter re-
 19 designated as subsection (b) as a result of the
 20 amendment under paragraph (2) of this subsection)
 21 and inserting the following:

22 “(2)(A) a program to provide training to super-
 23 visors on actions, options, and strategies a super-
 24 visor may use in—

25 “(i) developing and discussing relevant
 26 goals and objectives together with the employee,

1 communicating and discussing progress relative
2 to performance goals and objectives and con-
3 ducting performance appraisals;

4 “(ii) mentoring and motivating employees
5 and improving employee performance and pro-
6 ductivity;

7 “(iii) fostering a work environment charac-
8 terized by fairness, respect, equal opportunity,
9 and attention paid to the merit of the work of
10 employees;

11 “(iv) effectively managing employees with
12 unacceptable performance;

13 “(v) addressing reports of a hostile work
14 environment, reprisal, or harassment of, or by,
15 another supervisor or employee; and

16 “(vi) otherwise carrying out the duties or
17 responsibilities of a supervisor;

18 “(B) a program to provide training to super-
19 visors on the prohibited personnel practices under
20 section 2302 (particularly with respect to such prac-
21 tices described under subsection (b) (1) and (8) of
22 that section), employee collective bargaining and
23 union participation rights, and the procedures and
24 processes used to enforce employee rights; and

1 “(C) a program under which experienced super-
2 visors mentor new supervisors by—

3 “(i) transferring knowledge and advice in
4 areas such as communication, critical thinking,
5 responsibility, flexibility, motivating employees,
6 teamwork, leadership, and professional develop-
7 ment; and

8 “(ii) pointing out strengths and areas for
9 development.

10 “(c) Training in programs established under sub-
11 section (b)(2) (A) and (B) shall be interactive instructor-
12 based for managers in their first year as a supervisor.

13 “(d)(1) Not later than 1 year after the date on which
14 an individual is appointed to the position of supervisor,
15 that individual shall be required to have completed each
16 program established under subsection (b)(2).

17 “(2) After completion of a program under subsection
18 (b)(2) (A) and (B), each supervisor shall be required to
19 complete a program under subsection (b)(2) (A) and (B)
20 at least once every 3 years.

21 “(3) Each program established under subsection
22 (b)(2) shall include provisions under which credit shall be
23 given for periods of similar training previously completed.

24 “(e) Notwithstanding section 4118(c), the Director of
25 the Office of Personnel Management shall prescribe regu-

lations to carry out this section, including the monitoring of agency compliance with this section. Regulations prescribed under this subsection shall include measures by which to assess the effectiveness of agency supervisor training programs.”.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations in accordance with subsection (e) of section 4121 of title 5, United States Code, as added by subsection (a) of this section.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code (as added by subsection (a) of this section), on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a su-

1 supervisor on the effective date of this section shall be
 2 required to—

3 (A) complete each program established
 4 under section 4121(b)(2) of title 5, United
 5 States Code (as added by subsection (a) of this
 6 section), not later than 3 years after the effec-
 7 tive date of this section; and

8 (B) complete programs every 3 years
 9 thereafter in accordance with section 4121(d)
 10 (2) and (3) of such title.

11 **SEC. 3. MANAGEMENT COMPETENCIES.**

12 (a) IN GENERAL.—Chapter 43 of title 5, United
 13 States Code, is amended—

14 (1) by redesignating section 4305 as section
 15 4306; and

16 (2) inserting after section 4304 the following:

17 **“§ 4305. Management competencies**

18 “(a) In this section, the term ‘supervisor’ means—

19 “(1) a supervisor as defined under section
 20 7103(a)(10);

21 “(2) a management official as defined under
 22 section 7103(a)(11); and

23 “(3) any other employee as the Director of the
 24 Office of Personnel Management may by regulation
 25 prescribe.

1 “(b) The Director of the Office of Personnel Manage-
2 ment shall issue guidance to agencies on competencies su-
3 pervisors are expected to meet in order to effectively man-
4 age, and be accountable for managing, the performance
5 of employees.

6 “(c) Each agency shall—

7 “(1) develop competencies to assess the per-
8 formance of each supervisor and in developing such
9 competencies shall consider the guidance developed
10 by the Director of the Office of Personnel Manage-
11 ment under subsection (b) and any other qualifica-
12 tions or factors determined by the agency;

13 “(2) assess the overall capacity of the super-
14 visors in the agency to meet the guidance developed
15 by the Director of the Office of Personnel Manage-
16 ment issued under subsection (b);

17 “(3) develop and implement a supervisor train-
18 ing program to strengthen issues identified during
19 such assessment; and

20 “(4) measure the effectiveness of the supervisor
21 training program established under paragraph (3) in
22 improving supervisor competence.

23 “(d) Every year, or on any basis requested by the
24 Director of the Office of Personnel Management, each
25 agency shall submit a report to the Office on the progress

1 of the agency in implementing this section, including
 2 measures used to assess program effectiveness.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF SECTIONS.—The table of sections
 5 for chapter 43 of title 5, United States Code, is
 6 amended by striking the item relating to section
 7 4305 and inserting the following:

“4305. Management competencies.

“4306. Regulations.”.

8 (2) REFERENCE.—Section 4304(b)(3) of title 5,
 9 United States Code, is amended by striking “section
 10 4305” and inserting “section 4306”.

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